

Agenda Item No: Consent Agenda - e.
Meeting Date: September 13, 2021

Subject: Consent Agenda Item

City Staff Member: A.J. Euckert, City Manager

e. Resolution 21-66, authorizing City Officials to execute and deliver contracts, documents, and other papers they may deem necessary or appropriate in order to carry out strategic property acquisition.

As a follow-up to Ordinance 910, which was approved by Council on August 9, this Resolution authorizes City Officials to execute all documents related to strategic property acquisition.

Because this was a topic of discussion in previous Executive Sessions, the specific properties are not referenced in this Resolution.

RESOLUTION NO. 21-66

A RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY AND RELATED IMPROVEMENTS AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING FOR RELATED MATTERS

WHEREAS, the City of Dacono, Colorado (the “City”) is authorized, pursuant to Section 31-15-101, Colorado Revised Statutes, as amended, to acquire, hold, lease and dispose of property, both real and personal; and

WHEREAS, in order to provide for the capital asset needs of the City, the City Council of the City (the “Council”) hereby determines that it is necessary and in the best interests of the City and its citizens that the City acquire certain land and facilities located thereon, if any, to be used by the City as administrative space or for other governmental or proprietary purposes (the “Project”); and

WHEREAS, the City has identified and intends to negotiate the purchase of three separate parcels of land and improvements, if any, located in the City (the “Grandview Property”, the “2nd Street Property”, the “8th Street Property” and together with the Grandview Property and the 2nd Street Property the “Properties”); and

WHEREAS, none of the members of the Council have any potential conflicting interests in connection with the Properties or any of the transactions contemplated hereby; therefore.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Ratification of Actions. All action heretofore taken, not inconsistent with the provisions of this ordinance (the “Ordinance”), by the Council or the officers of the City, directed toward the purchase of the respective Properties, are hereby ratified, approved and confirmed.

Section 2. Findings; Authorizations. The Council hereby finds and determines, pursuant to the laws of the State of Colorado, that the purchase of the Properties is necessary, convenient, and in furtherance of the governmental purposes of the City and in the best interests of the City and its citizens; and the Council hereby authorizes the purchase of the Properties at prices and on terms most favorable to the City and its citizens. The Council authorizes and directs the City Manager or his designee to negotiate the terms of such purchases to the greatest benefit to the City and its citizens with the assistance of City staff and internal or outside counsel.

Section 3. Approval and Execution of Documents; Authorized Officers; Variations in Documents. The terms of each purchase of the respective Properties shall be memorialized in a Purchase and Sale Agreement and shall be in all respects approved, authorized and confirmed by the City Manager, and the Mayor or the Mayor Pro Tem of the City are hereby authorized and directed to execute and deliver, and the City Clerk of the City or any Deputy or Assistant City Clerk are hereby authorized and directed to affix the seal of the City to, and attest, each such

Purchase and Sale Agreement, if any, in substantially the forms so delivered to the City Clerk, with such changes as are not inconsistent with the intent of this Resolution and are approved by Kutak Rock LLP (the “Special Counsel”) or the City Attorney.

Section 4. Additional Documents. The City Clerk is hereby authorized and directed to attest all signatures and acts of any official of the City in connection with the matters authorized by this Resolution. The Mayor, the Mayor Pro Tem and the Authorized Officers are hereby authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents and other papers and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by this Resolution.

INTRODUCED, READ AND ADOPTED THIS 13TH DAY OF SEPTEMBER, 2021.

Joe Baker, Mayor

Attest:

By _____
Valerie Taylor, City Clerk